IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22504 of 1998

Between:

Indukuri Venkata Satyanarayana Raju, S/o I.Ramalingeswara Raju, Hindu,
R/o H.No.55-14-105, Seethammadhara, Vishakapatnam-530013.

..... PETITIONER

AND

1 The Govt. of AP, Rep by its Secretary, Transport, R &B(B.III) Dept.,
Secretariat, Hyd.
2 The Engineer in Cheif (R&B), Road & Administration,
Erramanjil, Hyd.
3 The Managing Director, AP Heath & Medical Housing and Infrastructure
Development Corpt., 6-3-653, 5th Flr, Pioneer House, Somajiguda, Hyd-82.
4 The Executive Engineer, AP Heath & Medical Housing and Infrastructure
Development Corpt. Division, Ramachandra Raopet, Eluru, W.G.Dist.
5 The Executive Engineer, AP Heath & Medical Housing and Infrastructure
Development Corpt. Division, Court Road, Ongole, Prakasam Dist.
6 The Superintending Engineer AP Heath & Medical Housing and
Infrastructure Development Corpt. Circle, Ongole Prakasam Dist.
7 The Cheif Engineer, AP Industrial Infrastructure Corpt. Ltd.,
6th Floor, 5-9-58/B, Parishram Bhavan, Basheerbagh,
FtehMaidan, Hyd-29.
8 The Zonal Manager, AP Industrial Infrastructure Corpt. Ltd.,
Industrial Estate, Moulali, Hyd.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an Appropriate writ, order or direction particularly one in the nature of Writ of Mandamus, declaring the G.O.Ms.No.6, Transport, Roads & Bildings (B III) Dept. dt.12-1-96 as illegal, arbitrary and irrational and consequently direct the respondents to restore the old procedure of recovering the seigniorage Charges from the Bills of the Contractors by the respondents in accordance with the G.O.Ms.No.205, Transport, R & B (B.III), Dept. dt.8-10-93 and also for refund of the Amounts collected from the petitioner

Counsel for the Petitioner: MR.K.RAMANUJA CHARI

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following :

ORDER:

This writ petition is filed seeking to declare the G.O. Ms.No.6 Transport, Roads & Buildings Departments, dated 12-01-1996 as illegal, arbitrary and irrational and consequently to direct the respondents to restore the earlier procedure for recovering the seigniorage charges from the bills of the contractors by the R & B Department in accordance with G.O.Ms. No.205 Tr & B, dated 08-10-1993.

It is submitted by the learned Special Government pleader for Transport and admitted to by the learned counsel for the petitioner that the subject matter of this writ petition is squarely covered by the common order passed by this Court in W.P. No.7456 of 1997 and batch, dated
07-10-1998.

In the circumstances, following the common order of this Court in W.P. No.7456 of 1997 and batch, dated 07-10-1998, this writ petition is dismissed for the same and similar reasons. No costs.

However, it is made clear that the conditions stipulated in G.O. Ms. No.6, dated 12-01-1996 are applicable only in respect of the contracts for which the agreements are executed on or after 12-01-1996, and the works covered prior to that date shall be processed under G.O. Ms. No.205, dated 08-10-1993. If the petitioner had already drawn his bills pending payment of seigniorage fee, he shall now pay the same within a period of eight weeks from today, if not already paid. If the petitioner failed to comply with the condition, he shall also pay the penalty of five times, if the agreements are concluded and civil works carried out beyond 12-01-1996, within a period of six weeks from today.

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N.V. RAMANA, J

Date: 28-02-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Govt. of AP, Transport, R &B(B.III) Dept.,
Secretariat, Hyderabad.
2 The Engineer in Cheif (R&B), Road & Administration,
Erramanjil, Hyderabad.
3 The Managing Director, AP Heath & Medical Housing and Infrastructure Development Corpt., 6-3-653, 5th Flr, Pioneer House, Somajiguda, Hyd-82.
4 The Executive Engineer, AP Heath & Medical Housing and Infrastructure Development Corpt. Division, Ramachandra Raopet, Eluru, W.G.Dist.
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8 The Zonal Manager, AP Industrial Infrastructure Corpt. Ltd.,
Industrial Estate, Moulali, Hyderabad.

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